IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.5637 of 2005 (O&M)

DATE OF DECISION: November 20, 2006

Chandigarh Rice Mills Association and another

….Petitioners

VERSUS

Union of India and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Ashok Aggarwal, Senior Advocate with
Shri Amar Vivek, Advocate for the petitioners.
Shri A.K.Sharma, Advocate for respondent No.1.
Shri R.K.Sharma, Advocate for respondent No.2.
Shri Vinod S. Bhardwaj, Advocate for
respondents No.3 and 4.

Viney Mittal,J.(Oral).

This order shall dispose of CWP No.5637 of 2005 and CWP No.12371 of 2005 as dispute in both the cases is with regard to entitlement of Special Drought Relief Price (SDRP) for the year 2002-03. Whereas, CWP No.5637 of 2005 has been filed by Chandigarh Rice Mills Association and M/s Ram Kishan Rice and General Mills, collectively, on behalf of Rice Mills operating in UT, Chandigarh, claiming the aforesaid relief price on the ground that the aforesaid price had already been paid by the millers to the farmers, CWP No.12371 of 2005 has been filed by the farmers themselves claiming the aforesaid amount on the ground that since the said price was to be paid, as per the policy framed by the Government of India, to the farmers, over and above, Minimum Support Price (MSP) fixed by

the Government and they had not received the aforesaid SDRP, therefore, they are entitled to claim additional price.

Various pleas have been raised on behalf of the millers which are contested by the farmers. Similarly in the writ petition filed by the farmers, pleas raised by them have been contested by the millers.

During the course of arguments, Shri H.S.Grewal, the learned senior counsel appearing for the farmers and Shri Ashok Aggarwal, the learned senior counsel appearing for the millers have jointly stated that in order to resolve the dispute amicably and effectively, it would be appropriate if the matter is referred for adjudication and arbitration by a retired High Court Judge. The

learned senior counsel have expressed the willingness of the petitioners in both the cases for such course to be adopted.

The learned counsel appearing for the Food Corporation of India, which in fact is merely in the nature of proforma respondents in both the cases, possibly cannot have any objection to the said dispute being referred for Arbitration.

Both the learned senior counsel appearing for the petitioners have consented to the name of Hon'ble Mr. Justice A.L.Bahri (Retd.) to act as an Arbitrator in the matter.

We have also been informed that Shri Bahri would be ready to take up the arbitration.

In view of the aforesaid agreement between the learned senior counsel appearing for the millers as well as farmers, we dispose

of the present petitions requesting Hon'ble Mr. Justice A.L.Bahri (Retd.) to act as an Arbitrator to adjudicate the dispute between the millers and the farmers, as noticed in brief above. The millers as well as farmers would be at liberty to file their detailed claim applications/responses before the Arbitrator. The respective parties may choose to implead such other parties, as may be necessary and appropriate, with regard to dispute. All such parties shall also be entitled to file their appropriate responses before the Arbitrator.

The proceedings before the Arbitrator shall be taken to be the proceedings under the provisions of the Arbitration and Conciliation Act, 1996.

The Arbitrator shall be at liberty fix the arbitration fee himself and also the manner in which the same has to be paid.

The parties through their learned counsel have been directed to appear before the Arbitrator on January 23, 2007.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

November 20, 2006
KD

(H.S. Bhalla)
Judge